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*Attorneys for the Marsh Defendants*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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	:	
TIARA CONDOMINIUM ASSOCIATION,	:	
INC.	:	
	:	CASE NO. 07-CIV-9392
Plaintiff,	:	
	:	Judge Harold Baer, Jr.
- against -	:	
	:	ELECTRONICALLY FILED
MARSH & MCLENNAN COS., INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**MARSH DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), Defendants Marsh & McLennan Companies, Inc., Marsh Inc. and Marsh USA Inc. (collectively, "Marsh"), by and through their undersigned counsel, move this Court before the Honorable Harold Baer, Jr., United States District Judge, to dismiss Plaintiff's Complaint for failure to state a claim upon which relief may be granted.

In support of this motion, Marsh submits its opening Memorandum of Law, and the accompanying Declaration of Gregory Conway and the exhibit attached thereto. For all of the reasons set forth in the opening Memorandum of Law, Marsh respectfully requests that this

Court dismiss Plaintiff's Complaint with prejudice and grant such other relief as is necessary and proper, including the award of attorneys' fees and costs.<sup>1</sup>

Dated: January 14, 2007.

Respectfully submitted,

s/ Mitchell J. Auslander

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Marsh Inc. and Marsh USA Inc.*

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<sup>1</sup> Marsh is simultaneously filing with the Court its Motion to Transfer Venue to the Southern District of Florida, pursuant to 28 U.S.C. § 1404(a).